

1 [Article 3. Standards of Professionalism and Civility](#)

2 [Rule 14-301. Standards of Professionalism and Civility.](#)

3 Preamble

4 A lawyer's conduct should be characterized at all times by personal courtesy and
5 professional integrity in the fullest sense of those terms. In fulfilling a duty to represent a
6 client vigorously as lawyers, we must be mindful of our obligations to the administration
7 of justice, which is a truth-seeking process designed to resolve human and societal
8 problems in a rational, peaceful, and efficient manner. We must remain committed to
9 the rule of law as the foundation for a just and peaceful society.

10 Conduct that may be characterized as uncivil, abrasive, abusive, hostile, or
11 obstructive impedes the fundamental goal of resolving disputes rationally, peacefully,
12 and efficiently. Such conduct tends to delay and often to deny justice.

13 Lawyers should exhibit courtesy, candor and cooperation in dealing with the public
14 and participating in the legal system. The following standards are designed to
15 encourage lawyers to meet their obligations to each other, to litigants and to the system
16 of justice, and thereby achieve the twin goals of civility and professionalism, both of
17 which are hallmarks of a learned profession dedicated to public service.

18 We expect judges and lawyers will make mutual and firm commitments to these
19 standards. Adherence is expected as part of a commitment by all participants to
20 improve the administration of justice throughout ~~this State~~ [Utah](#). We further expect
21 lawyers to educate their clients regarding these standards and judges to reinforce this
22 whenever clients are present in the courtroom by making it clear that such tactics may
23 hurt the client's case.

24 Although for ease of usage the term "court" is used throughout, these standards
25 should be followed by all judges and lawyers in all interactions with each other and in
26 any proceedings in ~~this State~~ [Utah](#). Copies may be made available to clients to reinforce
27 our obligation to maintain and foster these standards. Nothing in these standards
28 supersedes or detracts from existing disciplinary codes or standards of conduct.

29 1. Lawyers shall advance the legitimate interests of their clients, without reflecting
30 any ill-will that clients may have for their adversaries, even if called upon to do so by

1 another. Instead, lawyers shall treat all other counsel, parties, judges, witnesses, and
2 other participants in all proceedings in a courteous and dignified manner.

3 2. Lawyers shall advise their clients that civility, courtesy, and fair dealing are
4 expected. They are tools for effective advocacy and not signs of weakness. Clients
5 have no right to demand that lawyers abuse anyone or engage in any offensive or
6 improper conduct.

7 3. Lawyers shall not, without an adequate factual basis, attribute to other counsel or
8 the court improper motives, purpose, or conduct. Lawyers should avoid hostile,
9 demeaning, or humiliating words in written and oral communications with adversaries.
10 Neither written submissions nor oral presentations should disparage the integrity,
11 intelligence, morals, ethics, or personal behavior of an adversary unless such matters
12 are directly relevant under controlling substantive law.

13 4. Lawyers shall never knowingly attribute to other counsel a position or claim that
14 counsel has not taken or seek to create such an unjustified inference or otherwise seek
15 to create a "record" that has not occurred.

16 5. Lawyers shall not lightly seek sanctions and will never seek sanctions against or
17 disqualification of another lawyer for any improper purpose.

18 6. Lawyers shall adhere to their express promises and agreements, oral or written,
19 and to all commitments reasonably implied by the circumstances or by local custom.

20 7. When committing oral understandings to writing, lawyers shall do so accurately
21 and completely. They shall provide other counsel a copy for review, and never include
22 substantive matters upon which there has been no agreement, without explicitly
23 advising other counsel. As drafts are exchanged, lawyers shall bring to the attention of
24 other counsel changes from prior drafts.

25 8. When permitted or required by court rule or otherwise, lawyers shall draft orders
26 that accurately and completely reflect the court's ruling. Lawyers shall promptly prepare
27 and submit proposed orders to other counsel and attempt to reconcile any differences
28 before the proposed orders and any objections are presented to the court.

29 9. Lawyers shall not hold out the potential of settlement for the purpose of
30 foreclosing discovery, delaying trial, or obtaining other unfair advantage, and lawyers

1 shall timely respond to any offer of settlement or inform opposing counsel that a
2 response has not been authorized by the client.

3 10. Lawyers shall make good faith efforts to resolve by stipulation undisputed
4 relevant matters, particularly when it is obvious such matters can be proven, unless
5 there is a sound advocacy basis for not doing so.

6 11. Lawyers shall avoid impermissible ex parte communications.

7 12. Lawyers shall not send the court or its staff correspondence between counsel,
8 unless such correspondence is relevant to an issue currently pending before the court
9 and the proper evidentiary foundations are met or as such correspondence is
10 specifically invited by the court.

11 13. Lawyers shall not knowingly file or serve motions, pleadings or other papers at a
12 time calculated to unfairly limit other counsel's opportunity to respond or to take other
13 unfair advantage of an opponent, or in a manner intended to take advantage of another
14 lawyer's unavailability.

15 14. Lawyers shall advise their clients that they reserve the right to determine
16 whether to grant accommodations to other counsel in all matters not directly affecting
17 the merits of the cause or prejudicing the client's rights, such as extensions of time,
18 continuances, adjournments, and admissions of facts. Lawyers shall agree to
19 reasonable requests for extension of time and waiver of procedural formalities when
20 doing so will not adversely affect their clients' legitimate rights. Lawyers shall never
21 request an extension of time solely for the purpose of delay or to obtain a tactical
22 advantage.

23 15. Lawyers shall endeavor to consult with other counsel so that depositions,
24 hearings, and conferences are scheduled at mutually convenient times. Lawyers shall
25 never request a scheduling change for tactical or unfair purpose. If a scheduling change
26 becomes necessary, lawyers shall notify other counsel and the court immediately. If
27 other counsel requires a scheduling change, lawyers shall cooperate in making any
28 reasonable adjustments.

29 16. Lawyers shall not cause the entry of a default without first notifying other counsel
30 whose identity is known, unless their clients' legitimate rights could be adversely
31 affected.

1 17. Lawyers shall not use or oppose discovery for the purpose of harassment or to
2 burden an opponent with increased litigation expense. Lawyers shall not object to
3 discovery or inappropriately assert a privilege for the purpose of withholding or delaying
4 the disclosure of relevant and non-protected information.

5 18. During depositions lawyers shall not attempt to obstruct the interrogator or object
6 to questions unless reasonably intended to preserve an objection or protect a privilege
7 for resolution by the court. "Speaking objections" designed to coach a witness are
8 impermissible. During depositions or conferences, lawyers shall engage only in conduct
9 that would be appropriate in the presence of a judge.

10 19. In responding to document requests and interrogatories, lawyers shall not
11 interpret them in an artificially restrictive manner so as to avoid disclosure of relevant
12 and non-protected documents or information, nor shall they produce documents in a
13 manner designed to obscure their source, create confusion, or hide the existence of
14 particular documents.

15 20. Lawyers shall not authorize or encourage their clients or anyone under their
16 direction or supervision to engage in conduct proscribed by these Standards.

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